

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

August 10, 1961  
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Palmer presiding.

## Roll call:

Present: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer  
Absent: None

Present also: W. T. Williams, Jr., City Manager; Doren R. Eskew, City Attorney; Reuben Rountree, Jr., Director of Public Works; Robert A. Miles, Chief of Police

Invocation was delivered by REV. ROBERTO ESCAMILLA, Emmanuel Methodist Church.

Mayor Palmer brought up the following ordinance for its second reading:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED: "AN ORDINANCE PRESCRIBING FARES AND CHARGES COLLECTIBLE, BEGINNING THE 1ST DAY OF JULY, 1947, BY EVERY PERSON, FIRM AND CORPORATION MAINTAINING AND OPERATING WITHIN THE CITY OF AUSTIN A BUS SYSTEM FOR LOCAL TRANSPORTATION OF PASSENGERS FOR HIRE USING OR OPERATING UNDER A PUBLIC FRANCHISE; PRESCRIBING PAYMENTS TO THE CITY OF AUSTIN, BASED UPON GROSS ANNUAL RECEIPTS FROM OPERATIONS, BY EVERY PERSON, FIRM AND CORPORATION MAINTAINING AND OPERATING WITHIN THE CITY OF AUSTIN A BUS SYSTEM; FIXING TIMES FOR SUCH PAYMENTS; AND DECLARING AN EMERGENCY." WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN JUNE 26, 1947, AND IS RECORDED IN BOOK "M", PAGES 523-524, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTION 1 THEREOF PRESCRIBING RATES FOR THE TRANSPORTATION OF PASSENGERS FOR HIRE BY BUS WITHIN THE CITY OF AUSTIN.

The ordinance was read the second time and Councilman White moved that the ordinance be passed to its third reading. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer  
Noes: None

Mayor Palmer introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 AS FOLLOWS: (1) A TRACT OF LAND FRONTING 25 FEET ON THE EAST RIGHT-OF-WAY LINE OF BULL CREEK ROAD, BEGINNING AT A POINT 150 FEET SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF HANCOCK DRIVE, LOCALLY KNOWN AS 5009 BULL CREEK ROAD, FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND SECOND HEIGHT AND AREA DISTRICT; (2) LOTS 1-4, R. G. AVENT SUBDIVISION NO. 3, FROM "C" COMMERCIAL DISTRICT TO "C-1" COMMERCIAL DISTRICT; (3) LOT 14-A OF THE RESUBDIVISION OF LOTS 15 AND 16, BLOCK E, JAMES E. BOULDIN ADDITION, FROM "A" RESIDENCE DISTRICT TO "LR" LOCAL RETAIL DISTRICT; (4) LOTS 30, 31 AND 32, BLOCK 10, HYDE PARK ADDITION, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT; (5) LOTS 4 AND 5, BLOCK 1, CROWS SUBDIVISION, FROM "LR" LOCAL RETAIL DISTRICT TO "C" COMMERCIAL DISTRICT; (6) LOTS 1-4, BLOCK 9, BELLVUE PARK AND LOTS 3 AND 4, ELMHURST ADDITION, SECTION 1, FROM "A" RESIDENCE DISTRICT TO "BB" RESIDENCE; AND (7) A TRACT OF LAND FRONTING 85.15 FEET ON THE WEST RIGHT-OF-WAY LINE OF SOUTH FIRST STREET, BEGINNING AT A POINT APPROXIMATELY 246 FEET SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF OLTORF STREET, LOCALLY KNOWN AS 2408 SOUTH FIRST STREET, FROM "C" COMMERCIAL DISTRICT TO "C-2" COMMERCIAL DISTRICT; ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer  
Noes: None

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer  
Noes: None

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer  
Noes: None

The Mayor announced that the ordinance had been finally passed.

No action was taken on the ordinances covering the following zoning:

EVERETT H. GIVENS	Rear of 1612 Greenwood Avenue	From "A" Residence To "B" Residence
A. P. MONTGOMERY	8330-8416 Burnet Road	From "A" Residence & Interim "A" Residence To "C" Commercial Retaining the back 50' as "B" Residence

The Council took no action on the following zoning application as Councilman Shanks wanted to go look at the property:

HARRY GOLDSTEIN	5134-5136 Burnet Road	From "C" Commercial To "C-2" Commercial RECOMMENDED by the Planning Commission
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The Mayor brought up the following zoning applications deferred from last week:

F. J. BROCKMAN	7901-09 Burnet Road 2302-2314 Anderson Lane	From "C" Commercial To "C-1" Commercial NOT Recommended by the Planning Commission RECOMMENDED "C-1" Commercial for the west 75'
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Councilman White moved that the change to "C-1" Commercial for the west 75' be granted. The motion, seconded by Councilman Armstrong, carried by the following vote:

Ayes: Councilmen Armstrong, White, Mayor Palmer  
Noes: Councilmen Perry, Shanks

The Mayor announced that the change had been granted to "C-1" Commercial for the west 75 feet and the City Attorney was instructed to draw the necessary ordinance to cover.

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RAY CORBIN	1109-11 Anderson Lane	From "A" Residence To "GR" General Retail NOT Recommended by the Planning Commission
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Councilman White moved that Mr. Corbin be granted permission to withdraw the application. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer  
Noes: None

Mr. Osborne was asked to contact Mr. Corbin.

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MRS. EDITH P. SIMPSON,	1300-04 West 19th Street	From "A" Residence 1st
Exec.Estate of John T.	1900-02 and rear of	Height and Area
Patterson	1904-06 Cliff Street	To "B" Residence 2nd
By Edgar Jackson		Height and Area
		NOT Recommended by the
		Planning Commission
		RECOMMENDED "B" Resi-
		dence 1st Height & Area

The Council postponed action until next week.

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The City Manager submitted the following:

"August 8, 1961

"W. T. Williams, Jr., City Manager

Contract Number 61-D-23

"Following is a tabulation of the bids received at 10:00 A.M., Tuesday, August 8, 1961 for the construction of miscellaneous storm sewers and open channel in the following locations: Burnet Road from culvert 930 feet south of Ohlen Road to 330 feet south of Ohlen Road, Mahone Avenue Easement from Burnet Road to Burnet Road Easement, Burnet Road Easement, Bowling Green Drive Easement, and Hathaway Drive Easement from Mahone Avenue Easement to Doris Drive, Doris Drive from Hathaway Drive Easement to Hathaway Drive, and Hathaway Drive from Doris Drive to 380 feet north of Doris Drive; Marcell Street Easement from St. John's Avenue to O'Dell Street, O'Dell Street from Marcell Street Easement to Marcell Street, and Marcell Street from O'Dell Street to 137 feet north of Croslin Street; and Schulle Avenue from 38 feet north of Bonnie Road to 140 feet north of Bonnie Road - Contract Number 61-D-23.

Texas Bridge Company, Inc.	\$25,240.20
J. R. Barnes Engineering Company	25,434.00
Austin Engineering Company	26,939.70
Walter W. Schmidt	29,921.91
Wagner-Wehmeyer, Inc.	42,036.65

City's Estimate	\$27,071.85
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"I recommend that Texas Bridge Company, Inc. with their low bid of \$25,240.20 be awarded the contract for this project.

"s/ S. Reuben Rountree, Jr.  
Director of Public Works"

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on August 8, 1961, for the construction of miscellaneous storm sewers and open channel in the following locations: Burnet Road from culvert 930 feet south of Ohlen Road to 330 feet south of Ohlen Road, Mahone Avenue Easement from Burnet Road to Burnet Road

Easement, Burnet Road Easement, Bowling Green Drive Easement, and Hathaway Drive Easement from Mahone Avenue Easement to Doris Drive, Doris Drive from Hathaway Drive Easement to Hathaway Drive, and Hathaway Drive from Doris Drive to 380 feet north of Doris Drive; Marcell Street Easement from St. John's Avenue to O'Dell Street, O'Dell Street from Marcell Street Easement to Marcell Street, and Marcell Street from O'Dell Street to 137 feet north of Croslin Street; and Schulle Avenue from 38 feet north of Bonnie Road to 140 feet north of Bonnie Road - Contract Number 61-D-23; and,

WHEREAS, the bid of Texas Bridge Company, Inc., in the sum of \$24,240.20 was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Director of Public Works of the City of Austin, and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of Texas Bridge Company, Inc., in the sum of \$25,240.20 be and the same is hereby accepted, and W. T. Williams, Jr., City Manager of the City of Austin be and he is hereby authorized to execute a contract on behalf of the City with Texas Bridge Company, Inc.

The motion, seconded by Councilman Armstrong, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer  
Noes: None

The City Manager submitted the following:

"August 8, 1961

"W. T. Williams, Jr.  
City Manager  
Austin, Texas

"Dear Mr. Williams:

"Sealed bids were received until 2:00 P.M., Tuesday, August 8, 1961 at the office of the Director of the Water and Sewer Department for the construction of Little Walnut Creek Sanitary Sewer, Section I, from Cameron Road to Lamar Boulevard. The bids were publicly opened and read in the Second Floor Conference Room, Municipal Building, Austin, Texas.

"The following is a tabulation of bids received:

<u>"Firm</u>	<u>Amount</u>	<u>Working Days</u>
J. R. Barnes Engineering Company	\$164,449.90	150
Bland Construction Company	183,168.45	225
Fairey-Simons Company, Incorporated	209,696.40	250
Austin Engineering Company	211,935.40	200
Wagner-Wehmeyer Company, Incorporated	244,465.40	300

"It is recommended that the contract be awarded to the J. R. Barnes Engineering Company on their low bid of \$164,449.90 with 150 working days.

"Yours truly,  
s/ S. A. Garza, Superintendent  
Sanitary Sewer Division  
s/ Albert R. Davis (V.R.S.), Director  
Water and Sewer Department"

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on August 8, 1961, for the construction of Little Walnut Creek Sanitary Sewer, Section I, from Cameron Road to Lamar Boulevard; and,

WHEREAS, the bid of J. R. Barnes Engineering Company in the sum of \$164,449.90 was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Director, Water and Sewer Department of the City of Austin, and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of J. R. Barnes Engineering Company in the sum of \$164,449.90 be and the same is hereby accepted, and W. T. Williams, Jr., City Manager of the City of Austin is hereby authorized and directed to execute a contract on behalf of the City of Austin with J. R. Barnes Engineering Company.

The motion, seconded by Councilman Armstrong, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer  
Noes: None

The City Manager submitted the following:

"August 8, 1961

"Mr. W. T. Williams, Jr.  
City Manager  
Austin, Texas

"Dear Mr. Williams:

"Bids were received until 3:00 P.M., Tuesday, August 8, 1961 at the Office of the Director of the Water and Sewer Department for the construction and erection of a rigid frame building at the Water and Sewer Service Building, 2600 Webberville Road, Austin, Texas.

"The following is a tabulation of bids received:

<u>"Firm</u>	<u>Amount</u>	<u>Working Days</u>
W. J. Fullerton Steel Building Company	\$13,622.10	60
Wright Building Sales Company	14,771.00	90

"It is recommended that the contract be awarded to the W. F. Fullerton Steel Building Company on their low bid of \$13,622.10, with 60 working days.

"Yours truly,  
s/ Victor R. Schmidt, Jr. Superintendent  
Water Distribution  
s/ S. A. Garza, Superintendent  
Sanitary Sewer Division  
s/ Alvert R. Davis (V.R.S.) Director  
Water and Sewer Department"

Councilman Perry offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on August 8, 1961, for the construction and erection of a rigid frame building at the Water and Sewer Service Building, 2600 Webberville Road, Austin, Texas; and,

WHEREAS, the bid of W. J. Fullerton Steel Building Company in the sum of \$13,622.10 was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Director, Water and Sewer Department of the City of Austin, and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of W. J. Fullerton Steel Building Company in the sum of \$13,622.10 be, and the same is hereby accepted, and W. T. Williams, Jr., City Manager of the City of Austin is hereby authorized and directed to execute a contract on behalf of the City of Austin with W. J. Fullerton Steel Building Company.

The motion, seconded by Councilman White, carried by the following vote:  
Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer  
Noes: None

Public hearing on the appeal of MRS. M. F. THURMOND, by Robert Sneed, for special permit to erect a service station at the southeast corner of 41st and Red River Streets was held. MR. SNEED represented Mrs. Thurmond, stating this was in an "O" zone and was across the street from a "GR" zone, the Sears property; a service station is permitted in an "O" zone with a special permit; the reason the Planning Commission denied the special permit was they thought it should not be granted until the other property was developed; he felt this was an economically sound investment and would not be a detriment to the neighborhood. Mr. Sneed submitted a sketch of the service station. He asked that the special permit be granted conditioned on the City's requiring a deed from the property owner for a triangular tract of land to straighten out and widen Red River; and a hedge being put along the south property line in accordance with the ordinance. The Planning Director stated there had been no development in the "O" or "GR" zones and there was extensive residential property in the area; he asked if the special permit were granted that the Council give consideration to the revision of the intersection of 41st and Red River Streets as it should be redesigned for a better turn. One letter of opposition was read. Councilman Shanks moved that the special permit for a service station at the southeast corner of 41st and Red River Streets be GRANTED. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Armstrong, Shanks, White, Mayor Palmer  
Noes: Councilman Perry

Public hearing on the appeal of FLOYD HALE for a special permit to sell boats in an "IR" zone was held. Mr. Hale appeared in his own behalf and submitted a plot plan showing how he would display the boats. He stated this was very important to him as this was how he made a living for his family and he asked that he be allowed to have ten boats. The property is located at 4206 DUVAL STREET. Two letters in opposition from MRS. W. G. CLARKSON and MRS. MABEL CLIFFORD were read. MR. DON GRIMES, MR. ROY COX, MR. T. O. STAGNER and MR. D. W. MORRIS, business men in the shopping center, appeared and spoke for Mr. Hale and submitted a petition asking that the special permit be granted. Councilman White moved that the special permit be granted subject to the following conditions: No major repair or painting; no parking boats in front of premises; and 10 boat limit for storage and display. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer

Noes: None

MR. W. A. STAFFORD inquired about when a storm sewer project would be started and the progress being made to secure easements for the drainage of an area in Govalle. Mr. Stafford was informed that the City had been unable to get the necessary easements and the project would have to be redesigned. Discussion was held and it was decided to try again to obtain the easements from Mr. Kingsbury and Mr. Malburg. Mrs. Ivy Lowe inquired why the drainage of the Govalle area was done piece meal and if the City had a plan. It was explained that all the drainage in the area was not connected; that the Boggy Creek drainage problem was one thing and then there were several areas that were just low and did not drain, so they just stood in water. The last was the type Mr. Stafford was asking about. Councilman Perry asked Mrs. Lowe if she felt the City was at fault that the Govalle and Boggy Creek problems had not been solved. Mrs. Lowe stated she felt there was no definite plan to eradicate it and there had not been enough concentration on the problem. Councilman Perry stated they knew that meetings were being held and that the people were being told that if certain other people had been on the City Council drainage would have been provided, but the nature of the problem is such that who ever was on the Council it would not be any better. Mayor Palmer inquired of Mrs. John Barrow about the meetings and she stated she did not call them but only attended the meetings. Mr. Stafford stated he felt the City was trying to solve the problem. It was stated by a member of the League of Women's Voters that the League was not involved in these meetings. Councilman Armstrong asked that everything be brought to the City Council as this is where it should be heard.

At 12:10 the Council recessed until 2:00 P.M.

RECESSED MEETING

2:00 P.M.

At 2:00 P.M. the Council resumed its business.

The Council discussed the development and sale of the remainder of city owned property at the North-west corner of 51st Street and Berkman, known as the Berkman Tract. After discussion, Councilman Shanks moved that the City Manager be authorized to receive proposals on 60 acres and 7 acres out of the Berkman Tract, after having been submitted to the Planning Commission for recommendation. The motion, seconded by Councilman Armstrong, carried by the following vote:



Ayes: Councilmen Armstrong, Shanks, White, Mayor Palmer  
Noes: None  
Not in Council Room when roll was called: Councilman Perry

The City Attorney submitted for consideration the request of ST. EDWARD'S UNIVERSITY for transfer to MO-PAC of part of Bergstrom Spur right-of-way. He reviewed the City's interest in the spur track and stated the U. S. Government was willing to pass title with conditions that the track be maintained to serve Bergstrom Field and that clearance be obtained from the City. It was brought out that the City paid \$250 an acre for 4.98 acres and discussion was held on selling at this price plus  $3\frac{1}{2}\%$  interest. Councilman Shanks moved that the City Manager be authorized to negotiate with St. Edward's University for transfer at this price. The motion, seconded by Councilman Armstrong, carried by the following vote:

Ayes: Councilmen Armstrong, Shanks, White, Mayor Palmer  
Noes: None  
Not in Council Room when roll was called: Councilman Perry

Mayor Palmer read a letter from MR. WALTER CARRINGTON regarding property on West 10th Street west of West Avenue.

Mayor Palmer read a letter from DOWNTOWN AUSTIN UNLIMITED, by Hiram S. Brown, Chairman, stating they would like to take steps to acquaint the public with free Saturday afternoon parking. They propose that printed covers explaining the free parking be provided and placed over the meters by the Downtown Austin Unlimited merchants at noon each Saturday and removed by the merchants by 5:00 P.M. on Saturday. They requested Council approval on this matter. The Council asked that a model of the hoods be submitted. Councilman Shanks moved that this be approved. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Armstrong, Shanks, White, Mayor Palmer  
Noes: None  
Not in Council Room when roll was called: Councilman Perry

The Mayor announced that the Council had received an invitation to attend the EBENEZER BAPTIST CHURCH, Sunday at 8:00 A.M.

The City Manager stated he had received a letter from Mr. Jenkins, Tyler Jr. College, requesting that October 24, 1961 be proclaimed as UNITED NATIONS DAY in Austin and that a citizen be appointed as chairman. The Council appointed MRS. CLAUDE HILL as Chairman.

The City Attorney stated he had received a letter of inquiry regarding the restrictions the City has on reptiles, poison snakes, etc. He called attention that the city has no restrictions. The Chief of Police noted there were also no regulations for the keeping of wild animals in the city. The City Attorney and Chief of Police were asked to check to see what regulations other cities have.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves the property situated on the east side of Springdale Road as a private gasoline plant consisting of a 1,000 gallon tank and electric pump for the sole purpose of servicing their own motor equipment, and from which no gasoline is to be sold, which property is owned by Bruce Baking Co., and is Lots 1 and 2, Block 2, Springdale Terrace, of the City of Austin, Travis County, Texas, and hereby authorizes the said Bruce Baking Co. to operate a private gasoline plant consisting of a 1,000 gallon tank and electric pump for the sole purpose of servicing their own motor equipment, and from which no gasoline is to be sold, subject to the same being operated in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this private gasoline plant after full compliance with all the provisions of this resolution, and said permission shall be held to be granted, and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said Bruce Baking Co. has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"August 10, 1961

"Mr. W. T. Williams, Jr.  
City Manager  
Austin, Texas

"Dear Sir:

"I, the undersigned, have considered the application of Bruce Baking Co., by their agent, Robert C. Noren, for permission to operate a private gasoline plant consisting of a 1,000 gallon underground tank and electric pump for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, upon property located on the east side of Springdale Road, which property is designated as Lots 1 and 2 of Block 2 of Springdale Terrace in the City of Austin, Travis County, Texas, and locally known as 801 Springdale Road.

"This property is located in a D Industrial District and I recommend that this permit be granted subject to the following conditions:

"(1) That the gasoline tanks and pumps shall be of an approved type and shall bear the label of the Underwriters Laboratories, Inc., and that all tanks and pumps shall be installed in compliance with the Ordinance governing the storage and handling of gasoline.

"(2) That all tanks and pumps shall be located not nearer than 10 feet to the property line and so located that cars stopped for the purpose of unloading or receiving gasoline or other supplies shall not in any way obstruct the free passage of traffic on either the sidewalk, street, or alley.

"(3) That "No Smoking" signs shall at all times be prominently displayed and no person shall be permitted to smoke on the premises where gasoline is handled or stored.

"(4) That all fees shall be paid and a permit secured from the Building Inspector's Office before any installation work is started, and that no equipment shall be placed in operation until after final inspection and approval of same.

"Respectfully submitted,  
(Sgd) Dick T. Jordan  
Building Official"

The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Armstrong, Shanks, White, Mayor Palmer

Noes: None

Not in Council Room when roll was called: Councilman Perry

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves the property situated on the south side of West Gibson Street as a private gasoline plant consisting of a 550 gallon tank and electric pump for the sole purpose of servicing their own motor equipment, and from which no gasoline is to be sold, which property is owned by Frank G. Bryant, and is Lot 7, Templer Lots, of the City of Austin, Travis County, Texas, and hereby authorizes the said Frank G. Bryant to operate a private gasoline plant consisting of a 550 gallon tank and electric pump for the sole purpose of servicing their own motor equipment, and from which no gasoline is to be sold, subject to the same being operated in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this private gasoline plant after full compliance with all the provisions of this resolution, and said permission shall be held to be granted, and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said Frank G. Bryant has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"August 9, 1961

"Mr. W. T. Williams, Jr.  
City Manager  
Austin, Texas

"Dear Sir:

"I, the undersigned, have considered the application of Frank G. Bryant for permission to operate a private gasoline plant consisting of a 550 gallon underground tank and electric pump for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, upon property located on the

south side of West Gibson Street, which property is designated as Lot 7, Templer Lots, in the City of Austin, Travis County, Texas, and locally known as 1107 West Gibson Street.

"This property is located in a C Commercial District and I recommend that this permit be granted subject to the following conditions:

"(1) That the gasoline tanks and pumps shall be of an approved type and shall bear the label of the Underwriters Laboratories, Inc., and that all tanks and pumps shall be installed in compliance with the Ordinance governing the storage and handling of gasoline.

"(2) That all tanks and pumps shall be located not nearer than 10 feet to the property line and so located that cars stopped for the purpose of unloading or receiving gasoline or other supplies shall not in any way obstruct the free passage of traffic on either the sidewalk, street, or alley.

"(3) That "No Smoking" signs shall at all times be prominently displayed and no person shall be permitted to smoke on the premises where gasoline is handled or stored.

"(4) That all fees shall be paid and a permit secured from the Building Inspector's Office before any installation work is started, and that no equipment shall be placed in operation until after final inspection and approval of same.

"Respectfully submitted,  
(Sgd) Dick T. Jordan  
Building Official"

The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Armstrong, Shanks, White, Mayor Palmer

Noes: None

Not in Council Room when roll was called: Councilman Perry.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves as a filling station site the property located at the southeast corner of the intersection of Hancock Drive and Bull Creek Road, which property fronts 179.71 feet on Hancock Drive and 175.06 feet on Bull Creek Road, being known as a portion of the George W. Spear League in the City of Austin, Travis County, Texas, and hereby authorizes the said Texaco Incorporated to construct, maintain, and operate a drive-in gasoline filling station and to construct curbs, ramps, and sidewalks in conjunction therewith subject to the same being constructed in compliance with all ordinances relating thereto, and further subject to the foregoing attached recommendations and plans. The Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper Police, Traffic and Fire regulations; and the right of revocation is retained if after hearing it is found by the City Council that the said Texaco Incorporated has failed and refused and will continue to fail and refuse to perform any such conditions, regulations, and ordinances.

(Recommendations attached)

"August 10, 1961

"Mr. W. T. Williams, Jr.  
City Manager  
Austin, Texas

"Dear Sir:

"We, the undersigned, have considered the application of Texaco Incorporated for permission to construct, maintain, and operate a drive-in gasoline filling station and to construct commercial driveways in conjunction therewith upon the property located at the southeast corner of the intersection of Hancock Drive and Bull Creek Road, which property fronts 179.71 feet on Hancock Drive and 175.06 feet on Bull Creek Road and being known as a portion of the George W. Spear League in the City of Austin, Travis County, Texas, and the property upon which this filling station is to be located is owned by Annie Stasswender, a widow and is under lease to Texaco Incorporated. We hereby advise that the following conditions exist.

"The property upon which this filling station is to be located is designated as "C" Commercial Use District upon the zoning maps of the City of Austin.

"All drainage, natural or otherwise, from this filling station is to be disposed of in such a manner that such drainage will not flow across the sidewalk area into the street, and furthermore, shall not create a nuisance to others in the neighborhood. It is understood that the disposal of such drainage shall be entirely the responsibility of the property owner. Any waste connection to a storm sewer which empties into an open drainageway shall be discontinued, if the waste becomes a nuisance or damages any property or rights of others in the vicinity of the open drainageway.

"We recommend that Texaco Incorporated be granted permission to construct, maintain, and operate said drive-in gasoline filling station and to construct curbs, ramps and sidewalks in conjunction therewith subject to the following conditions.

"(1) That all buildings and equipment shall be placed inside of the property line; correct lines to be obtained before construction starts or equipment is installed. Lines and grades to be obtained from the Department of Public Works for entrances and driveways; building lines to be approved by the City Building Inspector. That the applicant shall confer with the Department of Public Works as to future grades of the sidewalks and gutters on the adjacent streets before he starts any construction relative to the filling station.

"(2) That only underground tanks shall be used, and that all pumps shall be so located that it will be impracticable to service motor vehicles therefrom while said motor vehicles are standing on any part of a sidewalk, street, or alley.

"(3) That the gasoline tanks, pumps, and all equipment used in connection with the storage and handling of gasoline shall be an approved type and shall bear the label of Underwriters Laboratories, Inc., and that all construction of the filling station improvements shall be in accordance with the Building Ordinance, the Zoning Ordinance, the Filling Station Ordinance, and in accordance with the ordinance prohibiting the disposal of commercial water or oils upon the City Streets.

"(4) That the grades of the station shall be such that no waste water or oils or any floor washings shall ever pass over the City sidewalk area and that all of said oils and water shall be concentrated into a combined grease and sand trap which shall be constructed in accordance with our standard plan 2-H-146.

"(5) That all filling station improvements, pump islands, driveways, ramps, gutters, sidewalks, and curbs shall be constructed of concrete at the expense of the applicant as set forth upon the plan, hereto attached, which plan bears the Department of Public Works file number 2-H-1879.

"(6) Expansion joints shall be constructed as shown upon the plan, hereto attached, marked 2-H-1879 and shall be of the premoulded type.

"(7) When the owner considers that he has complied with all the requirements of the City of Austin for filling stations, he shall apply for a final inspection, and upon approval, the Building Inspector shall issue a Certification of Operation before such filling station can be put into service.

"Respectfully submitted,  
(Sgd) S. Reuben Rountree, Jr.  
Director of Public Works

"(Sgd) Dick T. Jordan  
Building Official"

The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Armstrong, Shanks, White, Mayor Palmer

Noes: None

Not in Council Room when roll was called: Councilman Perry.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS; The City Council of the City of Austin has determined that the public necessity requires the improvement of an existing natural drainageway to the North and East of Airport Boulevard in the City of Austin in order to provide for the free and safe elimination of rainfall from the Govalle area of the City of Austin; and,

WHEREAS, the City of Austin has found that it is necessary to acquire a drainage easement for open ditch or enclosed storm sewer in, upon, and across the hereinafter described tract of land; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That W. T. Williams, Jr., City Manager, be and he is hereby authorized and directed to institute a condemnation proceeding to acquire a drainage easement for open ditch or enclosed storm sewer in, upon, and across the hereinafter described tract of land in the City of Austin, Travis County, Texas, said tract of land being more particularly described by metes and bounds as follows, to-wit:

A strip of land thirty (30) feet in width, same being out of and a part of that certain 70.06 acre tract of land, a portion of the Jesse Tannehill League in the City of Austin, Travis County, Texas, a one-half interest of said 70.06 acre tract of land having been conveyed to Henry H. Brooks by Warranty

Deed dated July 10, 1944, of record in Volume 744 at page 272 of the Deed Records of Travis County, Texas, and a one-half interest of said 70.06 acre tract of land having been conveyed to Rella W. Brooks, wife of the said Henry H. Brooks, by Warranty Deed dated March 14, 1946 of record in Volume 786 at page 435 of the Deed Records of Travis County, Texas; the centerline of said strip of land Thirty (30) feet in width being more particularly described as follows:

BEGINNING at a point in the west line of the said Henry H. Brooks and Rella W. Brooks tract of land, same being the east line of that certain tract of land conveyed to the Humble Oil and Refining Company by warranty deed dated July 3, 1947, of record in Volume 853 at page 242 of the Deed Records of Travis County, Texas and from which point of beginning the most southerly corner of the said Henry H. Brooks and Rella W. Brooks tract, same being the southeast corner of the said Humble Oil and Refining Company tract bears S 29° 43' W 133.51 feet;

THENCE, S 46° 10' E 105.37 feet to point of termination in the north right-of-way line of the Southern Pacific Railroad and from which point of termination the most southerly corner of the said Henry H. Brooks and Rella W. Brooks tract, same being the southeast corner of the said Humble Oil and Refining Company tract, bears S 73° 11' W 148.55 feet.

The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer

Noes: None

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Council of the City of Austin has found that public necessity requires the construction of drainage and public utility improvements to serve the Govalle area to the North of Lyons Road and to the East of Webberville Road; and,

WHEREAS, the City Council has found and determined that public necessity requires the acquisition of the hereinafter described tract of land in order to permit the placement of the above mentioned drainage and public utility improvements; and,

WHEREAS, the City of Austin has negotiated with the owners of said tract of land and has been unable to agree with such owners as to the fair cash market value of such tract of land; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to file or cause to be filed against all owners and lienholders, a suit in eminent domain to acquire the hereinafter described tract of land for drainage and public utility improvements, to-wit:

Being all of Lot 23 Chernosky Subdivision No. 14, a subdivision of a portion of Outlots 32 and 33 Division "A" of the Government Outlots adjoining the Original City

of Austin, Travis County, Texas, according to a map or plat of said Government Outlots on file in the General Land Office of the State of Texas; a map or plat of said Chernosky Subdivision of record in Book 4 at page 316 of the Plat Records of Travis County, Texas, which Lot 23 was conveyed to Seledoncia Vasquez et al (also known as Celedonia Vasquez), by Warranty Deed dated August 2, 1960 of record in Volume 2218 at page 43 of the Deed Records of Travis County, Texas.

The motion, seconded by Councilman Shanks, carried by the following vote:  
Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer  
Noes: None

Mayor Palmer introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CERTAIN CONTRACT WITH ST. JOHNS CORPORATION; PROVIDING FOR THE APPROPRIATION OF MONEY PAID TO THE CITY OF AUSTIN UNDER SUCH CONTRACT; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Armstrong, Shanks, White, Mayor Palmer  
Noes: None  
Not in Council Room when roll was called: Councilman Perry

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Armstrong, Shanks, White, Mayor Palmer  
Noes: None  
Not in Council Room when roll was called: Councilman Perry

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Armstrong, Shanks, White, Mayor Palmer  
Noes: None  
Not in Council Room when roll was called: Councilman Perry

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CERTAIN CONTRACT WITH GARDEN OAKS COMPANY; PROVIDING FOR THE APPROPRIATION OF MONEY PAID TO THE CITY OF AUSTIN UNDER SUCH CONTRACT; AND DECLARING AN EMERGENCY.



The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Armstrong, Shanks, White, Mayor Palmer  
Noes: None  
Not in Council Room when roll was called: Councilman Perry

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Armstrong, Shanks, White, Mayor Palmer  
Noes: None  
Not in Council Room when roll was called: Councilman Perry

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Armstrong, Shanks, White, Mayor Palmer  
Noes: None  
Not in Council Room when roll was called: Councilman Perry

The Mayor announced that the ordinance had been finally passed.

After discussion, Councilman Shanks moved that the City Manager be authorized to negotiate for the purchase of 4 acres of land owned by MR. L. B. (RED) HERRING on the north side of East 51st Street and approximately 200' west of Old Manor Road.

The motion, seconded by Councilman White, carried by the following vote:  
Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer  
Noes: None

The City Manager stated before the barge can be moved up the river to clean out a channel, a water line crossing the river at Hearn Street will have to be moved. It was proposed that the line be tied in at Red Bud Trail but it would have to go across property belonging to the University of Texas. Discussion was held also regarding the building of a road. Councilman Armstrong moved that the City Manager be instructed to negotiate with the University to obtain the dedication of a street to connect Stratford Drive and Red Bud Trail. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer  
Noes: None

The Council discussed the sale of city owned property on Henderson Street between 9th and 10th Streets. It was the feeling of the Council not to sell any of the tract at this time.

The Council discussed the cost of a storm sewer in the vicinity of MRS. JAMES MILLER'S property in Highland Park West. Councilman Shanks moved that the City Manager be authorized to construct a storm sewer in Highland Terrace Easement (Rear of Mrs. Miller's Property); Highland Terrace West Easement, Highland Terrace West to Valley Oak Drive Easement; and Highland Terrace West Street Crossing. The motion, seconded by Councilman Perry, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer  
Noes: None

The Council discussed the purchase of property on Interregional Highway south of Flores Street to Waterfront Street. The Mayor asked the City Manager to see what he could get the property for.

Two studies of the proposed MO-PAC BOULEVARD north of Northland Drive were submitted to the Council. Discussion was held and it was informally agreed to submit the studies to the Planning Commission and Mr. Klapproth, the Traffic Engineer, for suggestions.

The Council discussed in detail the ordinance calling the election on the FIREMEN'S INITIATIVE PETITION and amended the wording in the caption of the Council ordinance to be submitted on the ballot. The Council discussed submitting other propositions at this election; if it should be an official ballot or a straw vote; if it should be on the same ballot or a separate ballot. Propositions discussed were sale of the Hospital, T. B. Sanatorium, Abattoir and Cemeteries.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE REJECTING THAT CERTAIN ORDINANCE INITIATED BY PETITION PERTAINING TO FIREMEN FILED ON JUNE 1, 1961; RECITING CERTAIN FINDINGS OF FACT AND REASONS FOR REJECTING SAID INITIATED ORDINANCE; ORDERING AN ELECTION WHICH THE FILING OF SAID PETITION HAS MADE MANDATORY; AND SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF AUSTIN ON SEPTEMBER 16, 1961 SAID INITIATED ORDINANCE AND AN ALTERNATIVE ORDINANCE ON THE SAME SUBJECT PROPOSED BY THE CITY COUNCIL; REPEALING ORDINANCE NO. 610727-E; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Perry, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer  
Noes: None

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Perry, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer  
Noes: None

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Perry, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer  
Noes: None

The Mayor announced that the ordinance had been finally passed.

The Council referred the following request from the Hyde Park Baptist Church, 3901 Speedway to the Traffic Engineer:

1. Pedestrian walk ways to be painted on the three paved sides at Speedway and 39th Street and on all four sides of the intersection at Speedway and 40th.
2. A street light to be installed at the intersection of Speedway and 40th Street.
3. "Slow" driving signs for certain hours to be installed on Speedway in the vicinity of Hyde Park Baptist Church and Shettles Memorial Methodist Church.

The Council was invited to a Retirement party at the CITY HEALTH DEPARTMENT, Friday, August 18th.

The Recreation Department will present its Annual Citizenship Awards to the outstanding boy and girl citizens from each playground, Wednesday, August 23, at Zilker Park Hillside Theatre at 7:15 p.m. Mayor Palmer asked Councilman White to present the awards.

The Council discussed a questionnaire - "City of Austin Employees Report on Outside Employment." Councilman Shanks moved that the Council authorize a resolution be drawn asking the City Manager to obtain this information. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer  
Noes: None

Mayor Palmer stated information about the Council would be passed out each week with the agenda.

There being no further business, the Council adjourned at 6:25 P.M., subject to the call of the Mayor.

APPROVED

  
Mayor

ATTEST:

  
Assistant City Clerk